

REMARKS

This amendment is submitted after final rejection pursuant to 37 CFR 1.116 because Applicants believe that all claims now presented are in condition for allowance. In any event entry of this amendment will place the application in better form for appeal. No new matter has been added and no new issues have been raised. Finally the arguments presented herein are in direct response to points raised by the Examiner in the last office action and Applicants could not have made this response at an earlier date.

Applicants have amended claim 110 to delete the period after "wherein said".

Claim 109 has been canceled. Thus all bases for rejection of and objection to this claim have become moot.

Claim 110 has been amended to state that amino acids of the aspartate and glutamate family are prepared according to the method and has been amended to delete reference to "the starting microorganism."

Claim 116 has been similarly amended to delete reference to "the starting microorganism."

Claims 110 and 116 and thus the claims dependent upon claims 110 and 116 have been amended to include only microorganisms that have been transformed with an isolated polynucleotide encoding a pyruvate carboxylase polypeptide comprising the amino acid sequence of SEQ ID NO: 2. Thus these claims should no longer be rejected under 35 USC 112, first paragraph, as including subject

matter beyond the scope of the enabling disclosure provided by the specification.

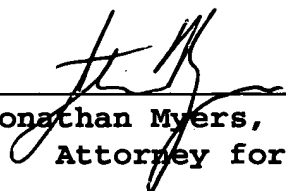
Applicants have responded to all of the bases for rejection and objection to the claims set forth in the office action and it is believed that all of the bases set forth for rejection and objection have been overcome.

Applicants have become aware of a reference that was cited during an opposition proceeding in Europe against the Applicants' parallel European Patent Application. The opposition has been brought by the successors in interest to the European Patent Application corresponding to the three SINSKEY et al US Patents of record in the present application. The reference is in German and so Applicants have obtained an English translation thereof and so are now making of record both the German original and the English translation. The reference is entitled ANAPLEUROTIC REACTIONS IN CORYNEBACTERIUM GLUTAMICUM; EXPERIMENTS FOR THE IMPORTANCE OF THE PEP CARBOXYLASE AND THE PYRUVATE CARBOXYLASE IN THE CENTRAL METABOLISM AND IN THE AMINO ACID PRODUCTION. The author of the article is Petra Peters-Wendisch, one of the present Applicants, and the article was published in August of 1996.

Applicants are enclosing herewith an Information Disclosure Statement to explain the relevance of the Petra Peters-Wendisch reference.

Favorable action in this case is earnestly solicited.

Respectfully submitted,
The Firm of Karl F. Ross P.C.



Jonathan Myers, Reg. No. 26,963
Attorney for Applicant

er
May 10, 2006
5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099

Enclosures: Information Disclosure Statement
Article of Petra Peters-Wendisch (German)
English translation